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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No. 040679/1417

Applicant: Kouichi AKABORI et al.
Title: ADAPTIVE CRUISE CONTROL SYSTEM AND METHOD
FOR AUTOMOTIVE VEHICLE WITH INTER-VEHICLE
DISTANCE CONTROL FUNCTION
Application No.: 10/042,195
Filing Date: January 11, 2002
Examiner: T. Nguyen
Art Unit: 3661

REQUEST FOR CONTINUED EXAMINATION (RCE)
TRANSMITTAL

Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application. This RCE and the enclosed items listed below are being filed prior to the earliest of: (1) payment of the issue fee (unless a petition under 37 C.F.R. § 1.313 is granted); (2) abandonment of the application; or (3) the filing of a notice of appeal to the U.S. Court of Appeals for the Federal Circuit under 35 U.S.C. § 141, or the commencement of a civil action under 35 U.S.C. § 145 or § 146 (unless the appeal or civil action is terminated).

1. Submission required under 37 C.F.R. § 1.114: (check items that apply)

a. Previously submitted:

- ☒ Please enter and consider the amendment/reply previously filed on December 31, 2003.
- ☐ Please consider the Affidavit(s)/Declaration(s) previously filed on ___ but not considered.
- ☐ Please consider the arguments in the Appeal Brief or Reply Brief under 37 C.F.R. § 1.116 previously filed on ___.

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b. Enclosed are:

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770.00 OP

- ☒ Petition for Extension of Time.
- ☒ Amendment Accompanying Request for Continued Examination (RCE).
- ☒ Letter Accompanying Request for Continued Examination (RCE).
- ☐ Affidavit(s)/Declaration(s).
- ☐ Information Disclosure Statement.
- ☐ Form PTO-1449 with copies of ___ listed reference(s).

Miscellaneous:

- ☐ Suspension of action of the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of ___ months.

The filing fee is calculated below:

	Claims as Amended	Previously Paid For	Extra Claims Present	Rate	Fee Totals
RCE Fee 1.17(e):				\$770.00	= \$770.00
Total Claims:	14	- 20	= 0	x \$18.00	= \$0.00
Independents	3	- 3	= 0	x \$86.00	= \$0.00
First presentation of any Multiple Dependent Claims:				+ \$290.00	= \$0.00
CLAIMS FEE TOTAL:					= \$770.00

- ☒ Applicant hereby petitions for an extension of time under 37 C.F.R. § 1.136(a) for the total number of months checked below:

<input type="checkbox"/> Extension for response filed within the first month:	\$110.00	\$0.00
<input type="checkbox"/> Extension for response filed within the second month:	\$420.00	\$0.00
<input checked="" type="checkbox"/> Extension for response filed within the third month:	\$950.00	\$950.00
<input type="checkbox"/> Extension for response filed within the fourth month:	\$1,480.00	\$0.00
<input type="checkbox"/> Extension for response filed within the fifth month:	\$2,010.00	\$0.00
EXTENSION FEE SUBTOTAL:		\$950.00
EXTENSION FEE ALREADY PAID: -		\$0.00
EXTENSION FEE TOTAL		\$950.00
CLAIMS AND EXTENSION FEE TOTAL:		\$1720.00
<input type="checkbox"/> Small Entity Fees Apply (subtract ½ of above):		\$0.00
<input type="checkbox"/> Suspension of action requested under 37 C.F.R. § 1.103(c)		\$0.00
TOTAL FEE:		\$1720.00

- ☐ Please charge Deposit Account No. 19-0741 in the amount of \$1720.00. A duplicate copy of this transmittal is enclosed.

- ☐ A check in the amount of \$1720.00 to cover the filing fee is enclosed.


- ☒ The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

Please direct all correspondence to the undersigned attorney or agent at the address indicated below.

Respectfully submitted,

MARCH 23, 2004

Date



Ankur D. Shah

Registration No. 41,514

FOLEY & LARDNER LLP

Customer Number: 22428

Telephone: (202) 672-5414

Facsimile: (202) 672-5399



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Art Unit: 3661

LETTER ACCOMPANYING
REQUEST FOR CONTINUED EXAMINATION (RCE)

Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

This communication accompanies a request for continued examination (RCE). Applicant requests that the fee for the three month extension of time required for the filing of the RCE be waived. As Examiner Nguyen has indicated in an Interview Summary, the delay necessitating this extension of time was caused by the USPTO's misplacement of and failure to properly docket Applicant's Reply dated December 31, 2003. The Examiner agreed that Applicant would not be required to pay the fee for the three-month extension of time or that such fee, if deducted from Applicant's deposit account, would be ultimately refunded.

Copies of Applicant's December 31, 2003 Reply were delivered to the USPTO for the second time on March 3, 2004, by facsimile. These copies included a copy of Applicant's date-stamped postcard indicating receipt of the Reply at the USPTO on December 31, 2003. As the USPTO system had still not

been updated, a third delivery of Applicant's Reply was made on March 19, 2004, again by facsimile.

Respectfully submitted,

MARCH 23, 2004

Date



Ankur D. Shah

Registration No. 41,514

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Customer Number: 22428

Telephone: (202) 672-5300

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AMENDMENT ACCOMPANYING
REQUEST FOR CONTINUED EXAMINATION (RCE)

Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

This communication accompanies a request for continued examination (RCE) and is generally responsive to an Interview Summary dated March 12, 2004.

Amendments to the Claims begins on page 2 of this document.

Remarks/Arguments begin on page 9 of this document.